

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**NICK HYDE,**

**Plaintiff,**

**v.**

**Case No. 2:20-cv-3635  
Chief Judge Algenon L. Marbley  
Magistrate Judge Chelsey M. Vascura**

**MIDWEST MOTOR SUPPLY, INC., *et al.*,**

**Defendants.**

**REPORT AND RECOMMENDATION**

Plaintiff's Complaint (ECF No. 1-3, PAGEID #12) asserts claims against, *inter alia*, defendants identified as Does 1 through 10. To date, Plaintiff has not moved to amend the Complaint to substitute the real names of the Doe defendants, nor effected service upon them as required by Federal Rule of Civil Procedure 4(m). Accordingly, on July 20, 2020, this Court issued an order directing Plaintiff to show cause why the Court should not dismiss the Doe defendants and why the Court should allow an extension of time to effect service.

To date, Plaintiff has not responded to the Show Cause Order, sought leave to amend the Complaint to substitute the real names of the Does, or effected service on the Doe defendants. It is therefore **RECOMMENDED** that this action be **DISMISSED WITHOUT PREJUDICE** against the Doe defendants pursuant to Rule 4(m) for failure to timely effect service of process.

**PROCEDURE ON OBJECTIONS**

If any party objects to this Report and Recommendation, that party may, within fourteen (14) days of the date of this Report, file and serve on all parties written objections to those

specific proposed findings or recommendations to which objection is made, together with supporting authority for the objection(s). A Judge of this Court shall make a *de novo* determination of those portions of the Report or specified proposed findings or recommendations to which objection is made. Upon proper objections, a Judge of this Court may accept, reject, or modify, in whole or in part, the findings or recommendations made herein, may receive further evidence or may recommit this matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).

The parties are specifically advised that failure to object to the Report and Recommendation will result in a waiver of the right to have the District Judge review the Report and Recommendation *de novo*, and also operates as a waiver of the right to appeal the decision of the District Court adopting the Report and Recommendation. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

/s/ Chelsey M. Vascura  
CHELSEY M. VASCURA  
UNITED STATES MAGISTRATE JUDGE